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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,111	07/05/2001	Scott Wiltamuth	MSFT-0572/160077.1	5752

41505 7590 12/09/2004	EXAMINER
WOODCOCK WASHBURN LLP	DAS, CHAMELI

WOODCOCK WASHBURN LLP
ONE LIBERTY PLACE - 46TH FLOOR
PHILADELPHIA, PA 19103

ART UNIT	PAPER NUMBER
2122	

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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/900,111	WILTAMUTH ET AL.
	Examiner	Art Unit	
	CHAMELI C DAS	2122	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>05 July 2001</u>.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-60</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) <u>1-60</u> is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All b) ☐ Some * c) ☐ None of:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. _____.
    3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>12/1/04</u>.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED DESCRIPTION

1.   Claims 1-60 are pending.

Specification

2.   The use of the trademark "Java", Visual Basic" and "Pascal"

have been noted in this application. It should be capitalized wherever it appears and

be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the

proprietary nature of the marks should be respected and every effort made to prevent

their use in any manner which might adversely affect their validity as trademarks.

3.   In the specification, on page 1, in "Cross Reference to Related Application"

section provides the attorney docket numbers only and there are no information about

US application serial numbers. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

Claims 6, 28, 47 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

Claims 6, 28, 47 contain the trademark/trade names like "Java", "Visual Basic" and "Pascal". Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See Ex parte Simpson, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe programming language and, accordingly, the identification/description is indefinite.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 42, 2, 24, 43, 3, 25, 44, 4, 26, 45, 5, 27, 6, 28, 47, 46, 12, 13, 35, 54, 34, 53, 18, 40, 59, 19, 41, 60, 20-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Misheski el al, (Misheski), US 5,878,432.

As per claims 1, 42, Misheski (US 5,878,432) discloses:

- a method for providing versioning support for at least one software component of an object-oriented programming language (Abstract, lines 1-12, col 13, lines 5-30),

- specifying programmer intent with regard to versioning of said at least one of software component by assigning at least one key word to said at least one software component (abstract, col 9 lines 1-5), "the extensible classes are extended by a programmer to implement a desired source code repository environment", shows that the extensible class (which includes version class) can be modified or customized by the programmer.

As per claims 2, 24, 43, Misheski discloses:

- assigning said at least one keyword include assigning at least one of virtual (col 8, lines 63-67), new (col 13, lines 46-52) and override keywords (col 9 lines 1-5).

For claims 3, 25, 44, (abstract, col 9, lines 1-5, col 15, lines 59-66, col 16, lines 1-2).

For claims 4, 26, 45, (abstract, col 9, lines 1-5, col 15, lines 59-66, col 16, lines 1-2).

For claims 5, 27, 46, (col 6, lines 53-64), where, add/delete_animal () operation performs temporarily remove (hide) any animal from the unit, inherently including one software component hides another software component as claimed.

For claims 6, 28, 47, (col 11, lines 55-64).

As per claims 12, 34, 53, (col 6, lines 32-52, col 9, lines 63-67, col 10, lines 1-

4), where it clearly shows that when particular unit class or object (methods) is needed

the system can add that unit class or object (method) and if it is not needed, it can be

removed, and this way the system performs the overload resolution method by invoking

the second method by a first method (col 9, lines 63-67, col 10, lines 1-4).

For claims 13, 35, 54, type indicated by the first method (col 6, lines 28-30),

checking up the inheritance chain... (col 7, lines 38-50, col 9, lines 63-65, col 10 lines 1-

3, col 16, lines 20-24), performing overload resolution ... type (col 6, lines 32-52, col 9,

lines 63-67, col 10, lines 1-4), selecting the second method (col 22 ,lines 40-50.

For claims 18, 40, 59, (col 31, lines 4-7).

For claims 19, 41, 60, (col 31, lines 5-10).

For claim 20, (col 31, lines 5-10).

For claim 21, (col 31, lines 5-10).

For claim 22, (col 22, lines 52-64).

For claim 23 (Abstract, col 31, lines 1-10, col 9, lines 1-5)

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 7, 29, 48, 8, 30, 49, 9, 31, 50, 10, 32,51, 11, 33, 52 are rejected under 35

U.S.C. 103(a) as being unpatentable over *Misheski (US 5,878,432* and further in view

of Delaney et al (Delaney), US 6,622,302.

As per claims 7, 29, 48, Misheski does not specifically disclose assigning

intelligent defaults. However, Delaney discloses assigning intelligent defaults (col 1,

lines 9-12), where intelligent I/O devices are attached with user interface (col 3, lines

40-46). The modification would be obvious because one of the ordinary skill in the art

would be motivated to improve the techniques and structure for managing the

versioning support system.

As per claims 8, 30, 49, Misheski does not specifically disclose warning before

assigning intelligent defaults. However, Delaney discloses assigning warning before

assigning intelligent defaults (Delaney, abstract, lines 10-16). The modification would

be obvious because one of the ordinary skill in the art would be motivated to improve

the techniques and structure for managing the versioning support system.

As per claims 9, 31, 50, the rejection of claim 7 is incorporated and further

Misheski dislcoses limited form of accessibility based upon the type of software

component (col 13, lines 25-30 and col 15, lines 5-15), where "lock state" limit the

access of the user depend on the type of the class (software component).

As per claims 10, 32, 51, the rejection of claim 7 is incorporated and further

Misheski dislcoses no accessibility modifiers ... corresponding class (col 16, lines 20-

25, "lock() method locks the version so another user cannot modify it") and one method

is defaulted to be private to that class (col 13, lines 27-30).

As per claims 11, 33, 52, the rejection of claim 7 is incorporated and further

Misheski dislcoses one software component is non-virtual (col 8, lines 63-65).

7.   Claims 14, 36, 55, 15, 37, 56, 16, 38, 57, 17, 39, 58 are rejected under 35

U.S.C. 103(a) as being unpatentable over Misheski (US 5,878,432 and further in

view of Evans et al, (Evans), US 5,805,899.

As per claims 14, 36, 55, Misheski discloses overload resolution and a second

method invoked by the first method. Misheski does not spcifically disclose the run-time

type. However, Evans discloses the run-time type (Evans, col 1, lines 61-67 and col 2

lines 1-17). The modification would be obvious because one of the ordinary skill in the

art would be motivated to verify the versioning information efficiently.

For claims 15, 37, 56, (Evans, col 13, lines 24-30).

For claims 16, 38, 57, bounding names at run-time ... compile-time (Evans, col

3, lines 1-15, col 5, lines 1-5), where, "In the described embodiment, mapfile 130

preferably has the format of FIG. 4 and is *created by a human being*. In other

embodiments, mapfile 130 may be created by the *compilation system*" inherently

including not bounding offsets at compile time as claimed.

For claims 17, 39, 58, (Misheski, col 10, 60-65, col 11 lines 1-10), where

"completes the control flow" inherently including the mthod prevents a base software

component from breaking the functionality as claimed.

Conclusion

8.   The prior art made or record and not relied upon is considered pertinent to

applicant's disclosure.

TITLE: Automatic software installation on heterogeneous networked computer systems,

US 6282712 B1

TITLE: Method and system for creating and manipulating extensions to version control

systems, US 6385767 B1 (dynamic)

TITLE: Method of automatically selecting program and data updates based upon

versions , US 6826750 B1

TITLE: Overriding program properties using a specially designated environment variable

statement, US 6629316 B1

TITLE: Development system providing methods for managing different versions of

objects with a meta model, US 6112024 A

 TITLE: System and method for enabling the creation of personalized movie

presentations and personalized movie collections, US 5781730 A

TITLE: Method and apparatus for representing data dependencies in software modeling

systems, US 5689711 A

TITLE: System, method, and program for checking dependencies of installed software

components during installation or uninstallation of software, US 6442754 B1.

9.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Chameli C. Das whose telephone number is (571) 272-

3696. The examiner can normally be reached on 7-3:30 and examiner's supervisor

Tuan Dam can be reached at (571) 272-3695.

An inquiry of general nature or relating to the status of this application or

proceeding should be directed to the group receptionist whose telephone number

is 703-305-9600.

Chaml·C- Dm

**CHAMELI C. DAS
PRIMARY EXAMINER**

12/3/04.